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09/779,266	02/08/2001	Teresa Kishlock	001103	4095

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EXAMINER

LAU, TUNG S

ART UNIT	PAPER NUMBER
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2863

DATE MAILED: 05/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/779,266

Applicant(s)

KISHLOCK ET AL.

Examiner

Tung S Lau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22-28 is/are allowed.
- 6) ☒ Claim(s) 1-4, 9, 10, 14, 15, 19 and 21 is/are rejected.
- 7) ☒ Claim(s) 5-8, 11-13, 16-18 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 10, 15, 21, 2, 3, 4, 9, 14 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Crane (U.S. Patent 4,843,575).

Regarding claim 1:

Crane discloses a method of providing energy efficiency changes to a plurality of energy consumers, comprising calculating the energy efficiency changes for the consumers based on energy consumption histories and weather data (col. 2-3, lines 62-2, col. 9, lines 3-9), wherein the energy efficiency changes are calculated using individual data for each of the consumers (col. 3, lines 17-35), wherein the energy efficiency changes represent changes to an entire consumption pattern related to at least one physical structure (col. 3, lines 17-35), and wherein the energy efficiency changes include considerations of at least one of equipment (col. 3, lines 17-35, fig. 1, unit 12), consumer behavior (fig. 1, unit 12), and physical aspects of the physical structure and spaces within the physical structure (fig. 1, unit 12, 32), and reporting the energy efficiency changes to each of the consumers (col. 3, lines 17-35, fig. 1, unit 32, 16).

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## Regarding claim 10:

Crane discloses an energy efficiency measurement and reporting system, comprising a generic import module for receiving consumer data (fig. 1, unit 10); a weather import module for receiving weather data (fig. 1, unit 12); a unique algorithm generation module in communication with the generic import module and the weather import module (col. 13-14, lines 15-15); an actual weather consumption estimate module in communication with the unique algorithm generation module (fig. 1, unit 12, 10, 32); an efficiency measurement module in communication with the actual weather consumption estimate module (col. 3, lines 17-35, col. 9, lines 3-9), wherein the efficiency measurement module calculates energy efficiency changes for a plurality of energy consumers based on energy consumption histories and the weather data (col. 3, lines 17-35, col. 9, lines 3-9, col. 5, lines 1-3, ), wherein the energy efficiency changes are calculated using individual data for each of the consumers (fig. 1, unit 12), wherein the energy efficiency changes represent changes to an entire consumption pattern related to at least one physical structure (fig. 1, unit 14), and wherein the energy efficiency changes include considerations of at least one of equipment (fig. 1, unit 14), consumer behavior (fig. 1, unit 12), and physical aspects of the physical structure and spaces within the physical structure (fig. 1, unit 12); and an individual report generation module in communication with the efficiency measurement module (col. 3, lines 17-35, col. 9, lines 3-9, fig. 1, unit 10, 32).

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Regarding claim 15:

Crane discloses an energy efficiency measurement and reporting system, comprising a generic import module for receiving consumer data (col. 3, lines 17-35, col. 9, lines 3-9); a weather import module for receiving weather data (col. 9, lines 3-9, fig. 1, unit 12); a system database in communication with the generic import module and the weather import module (fig. 1, unit 10, 32, 12), a unique algorithm generation module in communication with the system database (col. 13-14, lines 15-15); an actual weather consumption estimate module in communication with the system database (col. 9, lines 3-9, fig. 1, unit 12, 10, 32); an efficiency measurement module in communication with the system database (col. 3, lines 17-35), wherein the efficiency measurement module calculates energy efficiency changes for a plurality of energy consumers based on energy consumption histories and the weather data (col. 3, lines 17-35, col. 5, lines 1-3, col. 9, lines 3-9), wherein the energy efficiency changes are calculated using individual data for each of the consumers (fig. 1, unit 12), wherein the energy efficiency changes represent changes to an entire consumption pattern related to at least one physical structure (col. 3, lines 17-35, fig. 1, unit 14), and wherein the energy efficiency changes include considerations of at least one of equipment, consumer behavior (col. 3, lines 17-35, fig. 1, unit 12), and physical aspects of the physical structure and spaces within the physical structure (col. 8, lines 33-

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40); and an individual report generation module in communication with the system database fig. 2A, unit 208, 224, 230, fig. 1, unit 32, 10).

Regarding claim 21:

Crane discloses a computer-readable medium having stored thereon instructions which, when executed by a processor (fig. 1, unit 10), cause the processor to perform the steps of: calculating energy efficiency changes for a plurality of energy consumers based on energy consumption histories and weather data (col. 3, lines 17-35, col. 9, lines 3-9), wherein the energy efficiency changes are calculated using individual data for each of the consumers (fig. 1, unit 12), wherein the energy efficiency changes represent changes to an entire consumption pattern related to at least one physical structure (col. 3, lines 17-35, fig. 1, unit 14, col. 8, lines 33-40), and wherein the energy efficiency changes include considerations of at least one of equipment (col. 8, lines 33-40), consumer behavior (fig. 1, unit 12), and physical aspects of the physical structure and spaces with the physical structure (col. 8, lines 33-40); and reporting the energy efficiency changes to each of the consumers (col. 3, lines 17-35).

Regarding claims 2, 3, 4, 9, 14, 19:

Crane discloses:

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The method wherein reporting the energy efficiency changes to each of the consumers includes reporting the energy efficiency changes to each of the consumers on an individual basis (fig. 1, unit 12).

The method wherein reporting the energy efficiency changes to each of the consumers includes reporting the energy efficiency changes to each of the consumers on an aggregate basis (fig. 1, unit 12, col. 3, lines 17-35).

The method wherein reporting the energy efficiency changes to each of the consumers includes reporting the energy efficiency changes to each of the consumers on an individual basis as compared to an aggregate (col. 2-3, lines 62-2).

The method wherein reporting the energy efficiency changes to each of the consumers includes reporting the energy efficiency changes to each of the consumers using intranet (fig. 1, unit 18, 20).

The system further comprising an aggregate report generation module in communication with the individual report generation module (col. 2-3, lines 62-2, fig. 1, unit 12, 10, 16, 32).

The system further comprising a trend calculation module in communication with the system database and the individual report generation module (col. 10, lines 31-37, fig. 1, unit 32, 16).

### ***Claim Objections***

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2. Claims 5-8, 11-13, 16-18 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitation of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: prior art fail to teach the use cleaning algorithms, hand calculation, data cleaning module in communication with the generic import module, quality assurance module, quality assurance module, data prior weather data and consumption histories.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Allowable Subject Matter***

3. Claims 22-28 are allowed.

***Reasons for Allowance***

4. The following is an examiner's statement of reasons for allowance:  
Independent claims 22, 23, 25, and 27 contain allowable subject matter. None of the prior art of record shows or fairly suggests the claimed invention.

Regarding claim 22:

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The primary reason for the allowance of the inclusion of the method of providing energy efficiency changes to a plurality of energy consumers, including the use of cleaning algorithms. It is these features found in the claim, as they are claimed in the combination, that has not been found, taught or suggested by the prior art of record which makes this claim allowable over the prior art.

Regarding claim 23:

The primary reason for the allowance of the inclusion of the method of providing energy efficiency changes to a plurality of energy consumers, including the use of hand calculations. It is these features found in the claim, as they are claimed in the combination, that has not been found, taught or suggested by the prior art of record which makes this claim allowable over the prior art.

Claim 24 is allowed due to their dependency on claim 23.

Regarding claim 25 and 27:

The primary reason for the allowance of the inclusion an energy efficiency measurement and reporting system, including a quality assurance module in communication with the individual report generation module. It is these features found in the claim, as they are claimed in the combination, that has not been found, taught or suggested by the prior art of record which makes this claim allowable over the prior art.

Claim 26 is allowed due to their dependency on claim 25.

Claim 28 is allowed due to their dependency on claim 27.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1, 10, 15, 21, 2, 3, 4, 9, 14 and 19 have been considered but are moot in view of the new ground(s) of rejection. However, applicant's arguments filed 3/17/2003 have been fully considered but they are not persuasive.

A. Applicant argues that the prior art does not disclose efficiency calculation energy efficiency changes. Crane discloses efficiency calculation energy efficiency changes in col. 2-3, lines 50-35.

### **Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory

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action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung S Lau whose telephone number is 703-305-3309.

The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 703-308-3126. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-5841 for regular communications and 703-308-5841 for After Final communications.

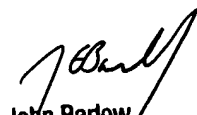
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

TC2800 RightFAX Telephone Numbers : TC2800 Official Before-Final RightFAX - (703) 872-9318, TC2800 Official After-Final RightFAX - (703) 872-9319

TC2800 Customer Service RightFAX - (703) 872-9317

TL

April 30, 2003

  
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